

REMARKS1. Status of the Claims

Claims 1-29 were originally filed in the present application. Claims 1-29 were canceled and claims 30-56 were added in an Amendment mailed June 23, 1998. Claims 30-56 were canceled and claims 57-60 were added in an Amendment mailed August 02, 1999. Therefore, claims 57-60 are pending in the present application. Reconsideration in view of the amendments above and the remarks below is respectfully requested.

2. Claim Rejection Under 35 U.S.C. § 112, First Paragraph:
Written Description

Claims 57-60 were rejected under 35 U.S.C. 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The present rejection is respectfully traversed for reasons of record.

However, in view of the amendments to independent claims 57 and 59 above, Applicants believe that the present rejection is moot in regard to claims 57-60 because the Examiner asserts that "the specification has described adequately one subset of the claimed genus, those embodiments drawn to the tail polypeptide pV..." and because claims 57-60 are now limited to embodiments drawn to the pV polypeptide (see page 3, lines 8-9 of the Final Office Action mailed December 15, 2003). Applicants respectfully request that the present rejection be withdrawn.

3. Claim Rejection Under 35 U.S.C. § 112, First Paragraph:
Enablement

Claims 57-60 were rejected under 35 U.S.C. 112, first paragraph because allegedly the specification "does not reasonably provide enablement for embodiments wherein the lambdoid phage anchor matrix protein is other than pV [as claimed]". The present rejection is respectfully traversed for reasons of record.

However, in view of the amendments to independent claims 57 and 59 above, Applicants believe that the present rejection is moot in regard to claims 57-60 because the Examiner asserts that the specification is "enabling for a recombinant lambdoid bacteriophage vector or bacteriophage comprising fusions with lambdoid bacteriophage tail polypeptide that are pV" and because claims 57-60 are now limited to embodiments drawn to the pV polypeptide (see page 3, lines 8-9 of the Final Office Action mailed December 15, 2003). Applicants respectfully request that the present rejection be withdrawn.

CONCLUSION

Claims 57-60 are currently pending. The Applicants respectfully submit that all pending claims are in condition for allowance and request that the Examiner allow all pending claims.

No new matter is added by way of the present Response.

The Examiner is requested to contact the representative for the Applicants, to discuss any questions or for clarification.

If there are any further fees associated with this response,
the Director is authorized to charge our Deposit Account No.
19-0962.

Respectfully submitted,

April 15, 2004

Date

Michael J. McCarthy
Michael J. McCarthy, Reg. No. 46,910

THE SCRIPPS RESEARCH INSTITUTE
Office of Patent Counsel
10550 North Torrey Pines Road
Mail Drop TPC-8
La Jolla, California 92037
(858) 784-2937